

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

C O N F I D E N T I A L STATE 171082

EXDIS

E.O. 11652:XGDS-1

TAGS: MASS, GW

SUBJECT: LOCKHEED AND THE FRG

1. NEGOTIATIONS WERE CONCLUDED JULY 9 BETWEEN DEPARTMENT OF JUSTICE AND FMOJ ON THE TEXT OF A MUTUAL ASSISTANCE AGREEMENT IN THE LOCKHEED CASE. THE AGREEMENT, WHICH WILL BE SIGNED HERE OFFICIALLY IN THE NEAR FUTURE, WILL ENABLE THE FRG TO REQUEST AND RECEIVE RELEVANT DOCUMENTS AND RECORDS CONCERNING LOCKHEED'S ACTIVITIES. THE REQUESTS WILL BE SENT FROM THE FMOJ TO JUSTICE THROUGH DIPLOMATIC CHANNELS.

2. JUSTICE WILL MAKE AN ANNOUNCEMENT SHORTLY THAT SUCH A PRELIMINARY AGREEMENT HAS BEEN REACHED. THE ACTUAL SIGNED TEXT WILL BE A PUBLIC DOCUMENT, AVAILABLE TO ANYONE WHO WISHES IT. THERE ARE NO SEPARATE, CLASSIFIED ADDENDA TO THE AGREEMENT. DEPARTMENT IS SENDING EMBASSY A COPY OF THE AGREED DRAFT.

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3. SINCE AGREEMENT IS SELF EXPLANATORY, INQUIRIES CONCERNING IT SHOULD BE REFERRED TO THE RESPECTIVE DEPARTMENT/MINISTRY OF JUSTICE WHICH NEGOTIATED IT. SIMILAR AGREEMENTS HAVE ALREADY BEEN NEGOTIATED WITH JAPAN, HOLLAND, TURKEY, ITALY AND NIGERIA, TO NAME THE MORE PROMINENT COUNTRIES INVOLVED.

4. JUSTICE MADE CLEAR TO FRG DELEGATION THAT THE DOCUMENTS, WHEN AN FRG REQUEST IS RECEIVED, WILL BE RELEASED TO BONN IN AN UNEVALUATED STATE, AND IT WILL BE UP TO THE FMOJ TO DECIDE THEIR PROBATIVE VALUE. IN THIS REGARD, IT SHOULD BE NOTED THAT LOCKHEED MUST BE INFORMED OF THE INTENT OF JUSTICE TO RELEASE THE DOCUMENTS, AND THAT IT WILL HAVE TEN DAYS TO SEEK AN INJUNCTION TO STOP SUCH A TRANSFER. TO DATE, HOWEVER, LOCKHEED HAS NOT SOUGHT SUCH AN INJUNCTION IN CONNECTION WITH TRANSFERS TO THE OTHER COUNTRIES.

5. COMMENT: IT WOULD APPEAR THAT WITHIN THE NEXT SEVERAL WEEKS, THE GERMAN AND ENGLISH TEXTS WILL BE READY FOR FINAL SIGNATURE, AND THAT SHORTLY THEREAFTER THE INITIAL OFFICIAL FMOJ REQUEST FOR DOCUMENTS WILL ARRIVE. THERE IS LITTLE DOUBT THAT BONN WILL HAVE ACCESS TO THESE DOCUMENTS PRIOR TO OCTOBER 3, BUT THERE IS NO WAY OF KNOWING THEIR VALUE, SINCE NO ONE EITHER IN THE SEC OR JUSTICE HAS GONE THROUGH THEM. THE TOTAL NUMBER OF SEC DOCUMENTS INVOLVED IS APPROXIMATELY 30,000, BUT NOT ALL OF THESE, OF COURSE, RELATE TO THE FRG. KISSINGER

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